



CERTIFIED MAIL 91 7108 2133 3932 0812 0483

September 26, 2013

4K Industrial Park, LLC
1001 Main Street
Martins Ferry, OH 43935

**Re: 4K Industrial Park, LLC – Former RG Steel, LLC facility (Martins Ferry)
OHD 010 448 231
Financial Record Review: Notice of Violation**

To whom it may concern:

On September 25, 2013, I completed a financial record review for the 4K Industrial Park, LLC facility (previously owned by RG Steel, LLC) referenced above. I evaluated the facility for compliance with the closure cost estimate, financial assurance, and liability requirements set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43, and 3745-55-47.

In previous Notice of Violation (NOV) letters, Ohio EPA cited violations of OAC rules 3745-55-42(A), 3745-55-43, and 3745-55-47(A) for failure to submit closure cost estimates, financial assurance, and liability coverage for the ARCO Scrubber Ductwork Laydown Area and the ChemTreat Spill Area.

On September 12, 2013, Ohio EPA received closure certification documents for the portion of the former RG Steel property purchased by Ohio River Partners, LLC. In a letter dated September 20, 2013, Ohio EPA determined that the ARCO Scrubber Ductwork Laydown area had been closed according to the approved closure plan and the substantive requirements of OAC rules 3745-55-11 through 3745-55-15. Therefore, financial assurance is no longer required for the ARCO area. However, the ChemTreat Spill Area remains subject to the financial assurance and liability requirements. Ohio EPA has yet to receive any of the required documentation.

Based upon review of the documentation noted above, the 4K Industrial Park, LLC facility remains in violation of the following Ohio hazardous waste laws:

- **OAC rule 3745-55-42(A), Cost estimate for facility closure:** The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility.

4K Industrial Park, LLC must submit a detailed closure cost estimate in accordance with the approved Closure Plan. The estimate must be based on the costs of hiring a third party to close the facility.

- **OAC rule 3745-55-43, Financial assurance for facility closure:** The owner or operator of each facility must establish financial assurance for closure of the facility.

4K Industrial Park, LLC must establish financial assurance at least equal to the amount of the current closure cost estimate. The acceptable mechanisms that may be used to demonstrate financial assurance are specified in OAC rule 3745-55-43.

- **OAC rule 3745-55-47(A), Liability requirements:** An owner or operator of a hazardous waste treatment, storage, or disposal facility, or a group of such facilities, must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs.

4K Industrial Park, LLC must establish and maintain liability coverage until the site is certified closed. The owner or operator must demonstrate liability coverage with the acceptable mechanisms specified in paragraph (A) of OAC rule 3745-55-47.

To abate the violations, 4K Industrial Park, LLC needs to submit a detailed closure cost estimate and documentation of financial assurance and liability coverage in accordance with the rules referenced above.

4K Industrial Park, LLC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, 4K Industrial Park, LLC is requested to provide documentation to this office of the steps being taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to melissa.cheung@epa.state.oh.us.

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, 4K Industrial Park, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions or need further clarification of any matter mentioned in this letter, please feel free to contact me at (614) 644-3067 or at melissa.cheung@epa.state.oh.us.

Sincerely,



Melissa Cheung
Engineering, Remediation, and Authorizations Section
Division of Materials and Waste Management

MC/ljm

cc: Melody Stewart, DMWM/DERR, SEDO
Scott Bergreen, DMWM, SEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.